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From: "Johnson, Bill" <WJohnson@alston.com>
To: "Sharon Jenkins" <SJENKINS@fcc.gov>
Date: Mon, Oct 19, 1998 3:42 PM
Subject: RE: RE: Comments to the Chairman

I once again appreciate your prompt reply.

I would hope that, in considering the proper definition of Grade B intensity, the FCC would consider those homeowners such as myself who recently purchased not one but two separate over the air antenna in an attempt to obtain adequate local stations. Neither, however, provided service that was better than amplified rabbit ears, which is mediocre to say the least and I am about 25-30 mi from transmission towers for the Atlanta 'big four' stations.

Local service does not deserve a monopoly in those areas where the over the air signals they provide cannot give quality pictures to all of the households, all of the time. Moreover, customers who live in these areas should not be forced into purchasing cable just to receive a picture worth watching.

Is there some time frame for an FCC decision on the NRTC petition?

Thanks again for your helpful info.

> -----Original Message-----

> From: Sharon Jenkins [SMTP: SJENKINS@fcc.gov]
> Sent: Monday, October 19, 1998 1:55 PM
> To: WJohnson@alston.com
> Subject: Re: RE: Comments to the Chairman

>

> The SHVA also provides that satellite carriers may retransmit network
> broadcasts only in limited areas. Specifically, satellite carriers
> may retransmit network broadcasts only to "unserved households" which
> are those households that cannot receive broadcast transmissions over
> the air. "Unserved households", as defined by Congress, are households
> that "cannot receive, through the use of a conventional outdoor
> rooftop antenna, an over-the-air signal of Grade B intensity." The
> Act also provides that households that subscribed to cable services
> carrying local network channels in the last 90 days are not eligible
> to receive satellite-delivered network service.

>

> The definition of "Grade B intensity" is the central issue in a
> lawsuit brought in federal court in Miami, Florida by CBS Inc., some
> of its affiliates, and Fox Broadcasting. The lawsuit alleged that
> PrimeTime 24, a satellite carrier, had violated the SHVA by selling
> network programs to households that could receive network programming
> from local stations over-the-air and thus were not "unserved".
> Similar lawsuits were filed in Texas and North Carolina.

>

> The Miami Court ruled in favor of CBS, et al., and on July 10th, gave
> PrimeTime 24 until October 8th to terminate service to any dish owner
> who (1) had subscribed to receive Fox or CBS broadcast signals since
> March 11, 1997, the date the lawsuit was filed, and (2) lives in an
> area that according to a signal-propagation map can receive a "Grade B

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> intensity" signal from a Fox or CBS station, in other words is a
> "served" household. The injunction also immediately prohibits
> PrimeTime 24 from selling new subscriptions including CBS or Fox
> signals to dish owners who live in "served" areas or who have
> subscribed to cable TV within the last 90 days. Companies such as
> DirectTV Inc. must also comply with the injunction.
>
> On July 8, 1998, the National Rural Telecommunications Cooperative
> filed a petition with the Federal Communications Commission urging
> that it adopt a new definition of "Grade B intensity" to allow
> satellite carriers to sell network signals in a given geographic area
> unless 100% of the viewers in the area receive the signals 100% of the
> time. If granted, the NRTC proposal would allow many viewers who are
> now considered to be "served" to be redefined as "unserved"
> households, thus enabling them to obtain broadcast network signals
> from satellite carriers.
>
> On August 5, 1998, the Cable Services Bureau of the Federal
> Communications Commission released a Public Notice asking for comments
> on NRTC's petition (RM-9335). The comments are currently being
> reviewed by the staff.
>
> >>> "Johnson, Bill" <WJohnson@alston.com> 10/19 1:23 PM >>>
> Thank you for your comments.
>
> While it is true that the Copyright act is under the
> jurisdiction of the Library of Congress, a key comment you made was :
>
> However, they can, in certain circumstances, import "distant
> signals," including the satellite "feed" that transmits national
> programming to local stations.
>
> It is my understanding that the "certain circumstances" relates to the
> issue of Grade B intensity which is defined by the FCC -so the FCC
> does
> have at least some say in the issue of retransmissions. Moreover, for
> the FCC to continue to define adequate signal in terms of the
> existing
> Grade B definition, i.e., 50/50/50 is, in my opinion a travesty as it
> fails to adequately address today's technology.
>
> What are your thoughts re the definition of Grade B intensity
> and the role of the FCC in this issue?
>
> Sincerely, Bill Johnson
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>
> > -----Original Message-----
> > From: Sharon Jenkins [SMTP:SJENKINS@fcc.gov]
> > Sent: Monday, October 19, 1998 1:07 PM
> > To: wjohnson@alston.com
> > Subject: Re: Comments to the Chairman
> >
> > Many viewers are unaware that the Satellite Home Viewer Act that

> > prevents satellite service providers from carrying network channels
> to
> > many satellite subscribers is part of the Copyright Act, not the
> > Communications Act and is therefore under the jurisdiction of the
> > Library of Congress, not the FCC. The Act is designed to protect
> > copyright holders from infringement and uphold contractual
> > arrangements between networks, local affiliates and satellite
> > providers. Currently, most satellite systems are unable to deliver
> > local broadcast signals. However, they can, in certain
> circumstances,
> > import "distant signals," including the satellite "feed" that
> > transmits national programming to local stations. This arrangement,
> > however, is subject to certain restrictions including a prohibition
> on
> > providing imported network signals to homes within the reach of
> > over-the-air television signals. Your satellite provider has agreed
> > to abide by these restrictions in lieu of direct negotiation w/
> > ith the copyright holders.
> >
> > Changes in the Satellite Home Viewer Act itself require action by
> > Congress. Two bills, S1720 and H.R. 3210, have been introduced this
> > year. These bills propose a wide range of changes and modifications
> > to copyright law with respect to satellite transmission of
> broadcast
> > signals, including elimination of the 90 day waiting period and
> > changes to fees paid by satellite carriers. If you would like more
> > information on these bills, please contact your congressional
> > representative.
> >
> > If you wish more information on the Satellite Home Viewer Act,
> please
> > contact the Copyright Office at (202)707-5932 or access their
> website
> > at <http://lcweb.loc.gov/copyright>.
> >
> >
> >
> >>> William R. Johnson <wjohnson@alston.com> 10/07 2:24 PM >>>
> > William R. Johnson (wjohnson@alston.com) writes:
> >
> > It is absolutely inconceivable that with all the technology
> > that is place, that the NAB can effectively prevent millions of
> people
> > from
> > receiving QUALITY network signals by way of the antiquated Grade B
> > classification.
> >
> > As a DSS owner who lives in a community that restricts the use of
> > rooftop antenna
> > I have the option of either paying for a cable signal(which sorts of
> > defeats the
> > purpose of satellite technology or watching network television
> through
> > lines and static.

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> > I will not be bullied or extorted into purchasing cable. If the
> > Atlanta stations are truly there to
> > serve my community which is 25-30 miles away, then they need to make
> > sure that a
> > quality signal reaches my community.
> >
> > Moreover, the FCC as the agency who defines Grade B intensity,
> needs
> > to step
> > up to the plate and establish rational guidelines to protect the
> local
> > networks, the
> > 50/50/50 at 30 ft. simply does not do that.
> >
> > -----
> > Server protocol: HTTP/1.0
> > Remote host: 208.201.13.19
> > Remote IP address: 208.201.13.19
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